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Attorney for Plaintiff

UNITED STATES OF AMERICA
DISTRICT OF NEVADA

ISRAEL GARCIA, JR.,

Plaintiff,

vs.

CREDIT ONE BANK, N.A.,

Defendant.

2:18-cv-00191-JCM-GWF

**[JOINT PROPOSED]
DISCOVERY PLAN AND
AMENDED SCHEDULING ORDER**

Plaintiff Israel Garcia ("Plaintiff"), by and through his attorney Craig K. Perry & Associates, and Defendant Credit One Bank, N.A. ("Credit One"), by and through their attorney Lincoln, Gustafson & Cercos, LLP and Sessions, Fishman, Nathan & Israel, L.L.C. Pursuant to the Court's Order of June 22, 2018 (ECF NO 14 and Local Rule 16-1, hereby propose the following discovery plan and amended scheduling order:

I. Procedural History

1. Plaintiff commenced this action on February 2, 2018. (ECF No.1).
2. Plaintiff filed his First Amended Complaint on February 22, 2018 (ECF No. 4), and Credit One filed its Answer to the First Amended Complaint on May 29, 2018 (ECF No. 10).

1 3. On June 22, 2018, A Stipulated Discovery Plan and Scheduling Order was filed, (ECF
2 No. 14).

3 II. The Scope of Discovery Remaining

4 Plaintiff propounded interrogatories and requests for production to the Defendant on July 6,
5 2018. Counsel for Defendant requested an extension to answer, which was granted. Defendant's
6 responses were sent by way of private courier on August 23, 2018, and received shortly thereafter.
7 Some of the responses were not fully answered, and this is in part in anticipation of this Court granting
8 a protective order so that certain documents would be protected from public disclosure.
9

10 On August 16, 2018, the parties filed a Joint Motion for Protective Order. (ECF No. 19). The
11 Court rejected this motion without prejudice (ECF No. 21). The parties then submitted a second Joint
12 Motion for Protective Order (ECF No. 22). The Court accepted this Protective Order as submitted
13 (ECF No. 23).
14

15 With this Protective Order in place, the Defendant can disclose additional documents under
16 the protection of this Order, which Plaintiff has not yet received, so discovery continues.

17 Additionally, there is a pending Motion to Stay that has yet to be ruled on (ECF No. 16).

18 Additional time is needed to review the discovery that has already been produced, discuss the
19 objections that led to nondisclosures, obtaining documents not provided that are now under seal of
20 protection, etc.
21

22 There have also been discussions of settlement in this action which are ongoing.

23 Because discovery is ongoing, the parties remain unable to designate or retain an expert until
24 the discovery has been received by the Defendant; neither can the Defendant retain and designate a
25 rebuttal expert until the Plaintiff has so designated.
26

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28

III. Proposed Deadlines

Accordingly, counsel for the parties make this first request to extend the discovery plan and enter a revised scheduling order as follows:

1. **Discovery Plan:** Discovery will be needed concerning the allegations in the Complaint.
 - a. **Discovery Cut-Off Date LR 26-1(e)(1):** All discovery shall be completed by March 4, 2019.
 - b. **Fed. R. Civ. P. 26(a)(2) Expert Disclosures (LR 26-1(e)(3)):** Disclosure of experts shall proceed according to Fed R. Civ. P. 26(a)(2) except that, pursuant to Local Rule 26-1(c)(3):
 - i. The disclosure of the parties' initial experts and expert reports shall occur on January 2, 2019, which is 60 days prior to the close of discovery, and;
 - ii. The disclosure of the parties' rebuttal experts and expert reports shall occur on February 4, 2019, which is 34 days after the parties' disclosure of initial experts.
2. **Amending the Pleadings and Adding Parties (LR 26-1(e)(2)):** The parties shall have until December 3, 2018 to file any motions to amend the pleadings or add parties, which is 90 days before the discovery cut-off date.
3. **Dispositive Motions (LR 26-1(c)(4)):** The parties shall have until April 2, 2019 to file dispositive motions, which is 30 days after the completion of discovery.
4. **Pretrial Order (LR 26-01(e)(5)-(6)):** The joint pretrial order shall be filed by May 2, 2019, which is not more than 30 days after the date set for filing dispositive motions in this case. If the dispositive motions are filed, the date for filing the joint pretrial order shall be suspended by thirty (30) days after the decision on the dispositive motions or

by further order of the Court. The disclosures required by Fed R. Civ. P. 26(a)(3) shall be included in the joint pretrial order.

5. **Interim Status Report (LR 26-3):** The parties shall file the interim status report required by LR 26-3 by January 2, 2019, which is not later than 60 days before the discovery cut-off.

Respectfully submitted September 6, 2018.

Dated: September 6, 2018

/s/ Craig K. Perry, Esq.

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Dated: September 6, 2018

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ORDER

IT IS SO ORDERED.

GEORGE FOLEY, JR.

UNITED STATES MAGISTRATE JUDGE

DATED: _____